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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-790

12 **VALERIE MITCHELL**  
13 **1004 Thistlemeade Circle**  
**Burleson, TX 76028**

**ACCUSATION**

14 **Registered Nurse License No. 621253**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 2. On or about July 9, 2003, the Board issued Registered Nurse License Number 621253  
23 to Valerie Mitchell ("Respondent"). Respondent's registered nurse license was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on April 30, 2013, unless  
25 renewed.

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1 CAUSE FOR DISCIPLINE

2 (Disciplinary Action by the Texas Board of Nursing)

3 7. Respondent is subject to disciplinary action pursuant to Code section 2761,  
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the  
5 Texas Board of Nursing ("Texas Board"), as follows: On or about September 13, 2011, pursuant  
6 to the Agreed Order ratified and adopted by the Texas Board in the disciplinary proceeding titled  
7 "In the Matter of Registered Nurse License Number 513863 issued to Valerie Mitchell", the  
8 Texas Board ordered that Respondent shall receive the sanction of a "warning with stipulations".  
9 A true and correct copy of the Agreed Order is attached as **exhibit A** and incorporated herein.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 621253, issued to Valerie  
14 Mitchell;
- 15 2. Ordering Valerie Mitchell to pay the Board of Registered Nursing the reasonable  
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
17 Code section 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: MARCH 18, 2013

21 *for* LOUISE R. BAILEY, M.ED., RN  
22 Executive Officer  
23 Board of Registered Nursing  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant  
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**EXHIBIT A**

**Agreed Order, Texas Board of Nursing**

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse  
License Number 513863  
issued to VALERIE MITCHELL

§ AGREED  
§  
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VALERIE MITCHELL, Registered Nurse License Number 513863, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 6, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Diploma in Nursing from University Hospital of South Manchester, Withington, Manchester, England on June 1, 1973. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1984.
5. Respondent's professional nursing employment history includes:

1974 - 1976

RN

Harris Methodist Hospital  
Fort Worth, Texas

Respondent's professional nursing employment history continued:

1976 - 1978	RN	Fort Worth Osteopathic Hospital Fort Worth, Texas
1979 - 1983	Not employed in nursing	
1984 - 1986	RN	Hood General Hospital Granbury, Texas
1986 - 2002	RN	John Peter Smith Hospital Fort Worth, Texas
2002 - 2004	RN	Fort Worth Osteopathic Hospital Fort Worth, Texas
2004 - 2009	RN	Baylor All Saints Medical Center Fort Worth, Texas
2009 - Present	RN	John Peter Smith Hospital Fort Worth, Texas

6. At the time of the initial incident, Respondent was employed as a registered nurse with Baylor All Saints Medical Center, Fort Worth, Texas, and had been in this position for approximately five (5) years.
7. On or about May 5, 2009, June 23, 2009 and July 2, 2009, while employed with Baylor All Saints Medical Center, Fort Worth, Texas, Respondent administered Morphine in excess of the physician's orders for Morphine, administered Phenergan without documented nausea or vomiting, and administered Morphine and Phenergan by intramuscular injection instead of by intravenous push to Patient Medical Record Numbers 1219826, 882445, 104539 and 234777. On May 5, 2009, Patient Medical Record Number 1219826 suffered respiratory distress and became non-responsive; a Rapid Response Team was called and the patient required Narcan. On June 23, 2009, Patient Medical Record Number 882446 required Narcan due to increased somnolence and decreased oxygen saturations. Respondent's conduct may have contributed to the patients suffering from respiratory depression and unnecessarily exposed the patients to further risk of harm from improper administration of medications.
8. In response to Finding of Fact Number Seven (7), Respondent states:

"My individual plans of care were implemented with order sets authorizing IM Phenergan being used as an adjunct to pain medication.  
I am always cognizant of observing the patient the required thirty minutes following IM medication administration or patient specific needs.  
The PACU order sets have always been standardized not individualized during my tenure.

I have never received any written notification either via e-mail, staff meetings or communication book and so on during my employment in PACU, that the order sets would be revised or changed in any way.

My plans of care were initiated using the standardized order sets available to me during the period of time specified in your alleged facts."

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(C) and 217.12(1)(A), (1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 513863, heretofore issued to VALERIE MITCHELL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the

Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a



minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following*

web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by

the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of AUGUST, 2011.

Valerie Mitchell  
VALERIE MITCHELL, Respondent

Sworn to and subscribed before me this 15<sup>th</sup> day of August, 2011.

SEAL



Heather Peters  
Notary Public in and for the State of TX

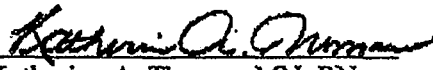
Approved as to form and substance.

Taralynn R. Mackay  
Taralynn R. Mackay, Attorney for Respondent

Signed this 18<sup>th</sup> day of August, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15th day of August, 2011, by VALERIE MITCHELL, Registered Nurse License Number 513863, and said Order is final.

Effective this 13th day of September, 2011.

  
Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board